

REMARKS

Claims 13, 18, 23, 26-33, 36, and 37 are now pending in this application for which applicants seek reconsideration.

Request for Interview

Applicants request an interview before the examiner issues a next Office Action. The undersigned will contact the examiner to schedule an interview in due course. The examiner, however, is urged to contact the undersigned if the examiner intends to act on this case before an interview is scheduled.

Amendment

Claims 34 and 35 have been canceled, and claims 32 and 33 have been amended to remove the informalities identified by the examiner. In this respect, "the first face" as been changed to --the first surface--. Moreover, these claims further define that the first surface is close to the camera, the display member is disposed on the first surface, and the zooming switch is disposed on the second surface. The present amendment overcomes the § 112 rejection. New claims 36 and 27 have been added. No new matter has been introduced.

Art Rejection

Claims 13, 18, 23, and 26-31 were rejected under 35 U.S.C. § 103(a) as unpatentable over Swayze (USP 6,519,003).

In the last reply, applicants explained that:

- (1) Swayze explicitly teaches placing the switches adjacent to the display device to display the functions associated with the switches, not just anywhere since that would defeat the purpose of allowing the user to visually associate the switches with their functions displayed on the display device if the switches were to be placed anywhere around the camera body as urged by the examiner,
- (2) for argument's sake, even if moving the switches as urged by the examiner were deemed obvious, Swayze still would not have taught providing both the name and the function of each switch, and
- (3) Swayze would not have taught the display member located at the side face of the operation apparatus.

In response to feature (1) above, the examiner alleges that Swayze teaches that not all keys are used in each menu. Thus, according to the examiner, in a menu that requires more than one key, the key functions of a plurality of keys will be shown at a single time, relying on C5:L43+. Moreover, the examiner asserts that the placement of the buttons in different sections would have been obvious in view of the KSR case. In short, the examiner has maintained that it would have been obvious for Swayze to place the switches (140, 142, 144) anywhere convenient since they are independently operable switches.

Applicants still disagree with the examiner's assessment because the fact that Swayze does not use all the keys in each menu has nothing to do with the placement of the switches:

The camera back 40' also includes a display button 136, which is pressed in order to turn on the display 60, and a menu button 138, which is pressed to cycle among various menus for a given mode selected by the mode dial 72. **Three soft keys 140, 142 and 144 are provided on the camera back 40', and access changeable functions dependent upon the menu selection. Text describing the functions is written in a bar 146 along the bottom of the display 60. For instance, FIG. 3 shows the left key 140 active as a delete function in the info mode (i.e., all keys are not used in each menu selection).** [C5:L43-53].

Indeed, Swayze merely discloses that not all soft keys 140, 142, and 144 are used in each menu. For instance, in one menu, only one of the keys can be functional. But this has nothing to do with whether the keys can be located elsewhere. As previously explained, if the soft keys 140, 142, 144 were to be moved elsewhere other than adjacent to the display device, the user would have to memorize the function of the soft keys since there is no indication in the key itself of its function. Only the screen indicates what the function of each key is if available for use.

As to feature (3), the examiner asserts that the "top face" is sufficiently broad to read on the face 40.' Even if this were to be the case for argument's sake, applicants submit that Swayze still would not have taught features (1) and (2) identified above. Indeed, the examiner has yet to address feature (2) above.

Conclusion

Applicants submit that the pending claims patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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DATE

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